

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH50290-LH-131 (03/10)

Short Title: Discovery/Confidential Identity Info. (Public)

Sponsors: Representative Sutton.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROTECT PERSONAL IDENTIFYING INFORMATION OF VICTIMS
AND WITNESSES, TO CLARIFY THAT THE STATE IS NOT REQUIRED TO
DISCLOSE THE IDENTITY OF A CONFIDENTIAL INFORMANT IN A
CRIMINAL CASE UNLESS DISCLOSURE IS OTHERWISE REQUIRED BY
LAW, AND TO PROTECT THE WORK PRODUCT OF PROSECUTORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-904 reads as rewritten:

"§ 15A-904. Disclosure by the State – Certain information not subject to disclosure.

(a) The State is not required to disclose written materials drafted by the prosecuting attorney or the prosecuting attorney's legal staff for their own use at trial, including witness examinations, voir dire questions, opening statements, and closing arguments. Disclosure is also not required of legal research or of records, correspondence, reports, memoranda, or trial preparation interview notes prepared by the prosecuting attorney or by members of the prosecuting attorney's legal staff ~~to the extent they contain the opinions, theories, strategies, or conclusions of the prosecuting attorney or the prosecuting attorney's legal staff.~~

(a1) The State is not required to disclose the identity of a confidential informant unless the disclosure is required by constitutional or statutory law.

(a2) The State is not required to disclose personal information of a victim or a State's witness unless it is constitutionally required to be disclosed.

(b) Nothing in this section prohibits the State from making voluntary disclosures in the interest of justice nor prohibits a court from finding that the protections of this section have been waived.

(c) This section shall have no effect on the State's duty to comply with federal or State constitutional disclosure requirements."

1 **SECTION 2.** This act is effective when it becomes law and applies to
2 pending cases.